

Minutes of the Regular Business Meeting of the
Board of Mayor and Aldermen of the City of Kingsport, Tennessee
Tuesday, July 20, 2010, 7:00 PM
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding
Alderman Valerie Joh
Vice-Mayor Benjamin K. Mallicote
Alderman Charles K. Marsh, Jr.

Alderman Larry A. Munsey
Alderman Tom C. Parham
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager
J. Michael Billingsley, City Attorney
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Led by Abraham Axler. He is from New York City and is staying here for about six weeks. He'll be working at the Pal's location in Church Hill.
- II.B. **INVOCATION:** By Richard Dice, Pastor – The King's Highway Pastor.
- III. **ROLL CALL:** By City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.**

1. **Keep Kingsport Beautiful July Beautification Awards.** Mr. Bill Fortenberry presented and narrated a pictorial slide presentation of landscapes showing the various properties selected to receive Keep Kingsport Beautiful Award honors sponsored by Blue Ridge Properties for July 2010. Alderman Munsey commended the award winners on their contributions and presented award certificates to those honorees in attendance. Alderman Marsh noted that Mr. Dave Clark, one of the honorees, had recently donated a significant amount of exercise equipment to the Senior Center.

2. **Special Presentation to Alderman Marsh.** Mr. Roger Campbell, a former Assistant City Manager for Kingsport, presented a book he had found to Alderman Marsh. Mr. Campbell noted that the book represented a history of the City of Kingsport from 1946 to the early 1970's. It contains budget information, engineering drawings and information reflecting the character of the then City Manager, Mr. Charles K. Marsh, Sr. (Alderman Marsh's father). Alderman Marsh thanked Mr. Campbell for the book.

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V. APPROVAL OF MINUTES.

Motion/Second: Munsey/Parham, to approve minutes, as amended, for the following meetings:

- A. July 6, 2010 Regular Work Session
- B. July 6, 2010 Regular Business Meeting

Approved: All present voting "aye."

VI. COMMUNITY INTEREST ITEMS.

AA. PUBLIC HEARINGS.

1. Public Hearing for Annexation Annual Plan of Services Report
(AF: 211-2010). City Planner Forrest Koder provided an update on this report.

PUBLIC COMMENT ON ITEM VI.AA.1. None.

**2. Public Hearing and Consideration of Ordinances to Amend
Division 5, Chapter 114-316, the Municipal Floodplain Ordinance for the City of
Kingsport** (AF: 212-2010). City Planner Forrest Koder provided an update on this item.

PUBLIC COMMENT ON ITEM VI.AA.2. None.

Motion/Second: Joh/Shupe, to pass, as amended:

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF KINGSFORT, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF KINGSFORT, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; AND TO FIX THE EFFECTIVE DATE OF THE ORDINANCE
Passed on first reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

Motion/Second: Munsey/Shupe, to pass.

**3. Public Hearing and Consideration of an Ordinance to Amend
the Zoning Code, Text and Map, to Zone Property along East Sevier Avenue to
P-1, Professional Office District** (AF: 225-2010). City Planner Karen Combs provided an update on this item.

PUBLIC COMMENT ON ITEM VI.AA.3. None.

Motion/Second: Joh/Marsh, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EAST SEVIER AVENUE TO P-1, PROFESSIONAL OFFICE DISTRICT, IN THE 11TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A

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PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE
EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

A. PUBLIC COMMENT. Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

B. BUSINESS MATTERS REQUIRING FIRST READING.

1. Consideration of a Budget Ordinance to Amend the MPO Fund by Transferring Funds from the Riverport Road Stimulus Project to Various Road Resurfacing and Restoration Stimulus Projects (AF: 253-2010). City Manager Campbell explained the reasons for cost overruns with these projects that were funded with stimulus funds. Alderman Marsh noted the five projects that were funded with these stimulus funds.

Motion/Second: Joh/Parham, to pass:

AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING ORGANIZATION PROJECT FUND BUDGET BY TRANSFERRING FUNDS TO COMPLETE THE PROJECTS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

2. Consideration of a Budget Ordinance to Transfer Funds and to Close the Projects (AF: 243-2010).

Motion/Second: Munsey/Shupe, to pass:

AN ORDINANCE TO AMEND THE GENERAL FUND, GENERAL PROJECT FUND, AND THE URBAN MASS TRANSIT FUND BUDGETS FOR THE FISCAL YEAR ENDING JUNE 30, 2010; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.

1. Consideration of Ordinances to Annex/Amend Zoning of the Kendrick Creek Annexation (AF: 192-2010). Alderman Munsey noted his concern with this item and the need for a comprehensive plan of annexation for this area as his reason for not supporting this action. Alderman Marsh asked Mr. Campbell when a comprehensive plan for this area would be coming to the BMA. Mr. Campbell and City Planning Manager Alan Webb noted that several of the City Planners were working on the plan for this area and the first phase would be presented to the Planning Commission in September of this year. The BMA should expect to address this phase in October. The remaining portion of the plan for this area will be brought forward shortly thereafter.

Motion/Second: Mallicote/Parham, to pass.

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ORDINANCE NO. 5986, AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE KENDRICK CREEK ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham and Phillips voting "aye" with Munsey voting "nay."

Motion/Second: Parham/Joh, to pass:

ORDINANCE NO. 5987, AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG KENDRICK CREEK ROAD AND BUCHELEW DRIVE TO R-1B, RESIDENTIAL DISTRICT IN THE 14TH CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Parham and Phillips voting "aye" with Munsey voting "nay."

D. OTHER BUSINESS.

1. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for the Supply of Ethernet Switches for Kingsport City Schools Network Infrastructure to Personal Computer Systems, Inc. (AF: 247-2010). Mr. Campbell discussed information on this item he received from Dr. Kitzmiller as he was not able to attend the meeting. He noted that the Schools were able to provide funding for this request and that there were no additional costs to this project. Alderman Marsh summarized this request noting the need for additional \$138,761 for switch equipment which resulted from 38 switches being omitted from the original project request that had been previously approved by the BMA. He expressed his concern about errors in information being presented to the BMA and the importance of correct and detailed work by City staff.

Mr. John Payne from the Schools' staff addressed questions from the BMA and described the need for these switches and how they affect the Schools' computer and communication systems.

Mayor Phillips noted his concern about the lack of accountability in government for mistakes.

Vice-Mayor Mallicote questioned why this item was now being brought to the BMA when the error was found in October of last year. Mr. Payne responded that the Schools had been reviewing funding options as well as working with the vendor for alternatives. It was further clarified that this request under consideration tonight is to seek approval to

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proceed with purchasing the equipment and not to provide additional funding. The funding had been previously identified and budgeted.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-032, A RESOLUTION APPROVING THE PURCHASE OF ADDITIONAL ETHERNET SWITCHES FOR THE CITY SCHOOL SYSTEM FROM PERSONAL COMPUTER SYSTEMS, INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye" except Mayor Phillips voting "nay."

2. Consideration of a Resolution Authorizing the Issuance of a Purchase Order for Various Kitchen Equipment Items for School Nutrition Services to Strategic Equipment and Supply (AF: 248-2010).

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2011-033, A RESOLUTION AWARDED THE BID FOR PURCHASE OF VARIOUS KITCHEN EQUIPMENT ITEMS FOR USE BY KINGSFORT SCHOOL NUTRITION SERVICES TO STRATEGIC EQUIPMENT AND SUPPLY AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR THE SAME

Passed: All present voting "aye."

3. Consideration of a Resolution Approving Updates to the City's Substance Abuse Policy Consistent with Federal Transit Authority and Federal Highway Administration Regulations (AF: 235-2010).

Motion/Second: Parham/Munsey, to pass:

Resolution No. 2011-034, A RESOLUTION ADOPTING A SUBSTANCE ABUSE POLICY AND PROCEDURES (GENERAL) CONSISTENT WITH CURRENT FEDERAL DRUG FREE WORKPLACE REGULATIONS

Passed: All present voting "aye."

4. Consideration of a Resolution Authorizing the Mayor to Execute an Agreement between U.S. Department of the Army BAE Systems Ordnance Systems, Inc. and the City of Kingsport Fire Department (AF: 246-2010). Vice-Mayor Mallicote noted the charge of \$500 per hour seemed inexpensive and questioned whether it covered the City's cost. Chief Dye responded that the charge was appropriate.

Motion/Second: Joh/Shupe, to pass:

Resolution No. 2011-035, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT WITH THE U.S. DEPARTMENT OF THE ARMY, AND BAE SYSTEMS, INC./ORDINANCE SYSTEMS, INC. FOR MUTUAL ASSISTANCE IN FIRE PROTECTION AND AUTHORIZING THE MAYOR TO SIGN

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ALL APPLICABLE DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE
THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**5. Consideration of a Resolution Amending the Agreement with
Tysinger Hampton & Partners Regarding Harbor Chapel and Cooks Valley Road
Improvements Phase 2 and Authorize the Mayor to Sign All Applicable
Documents (AF: 252-2010).**

Motion/Second: Munsey/Shupe, to pass:

Resolution No. 2011-036, A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AMENDMENT TO THE EXISTING 2008 PROFESSIONAL SERVICES
CONTRACT WITH TYSINGER, HAMPTON & PARTNERS REGARDING THE
HARBOR CHAPEL AND COOKS VALLEY ROAD IMPROVEMENTS PHASE 2 AND
AUTHORIZING THE MAYOR TO SIGN ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**6. Consideration of a Resolution Awarding the Bid for the
Purchase of Crushed Stone for Use by All City Departments to Vulcan
Construction Materials, LP for FY11 (AF: 219-2010).** City Manager Campbell noted
that the price in this bid was below the State contract price.

Motion/Second: Shupe/Parham, to pass:

Resolution No. 2011-037, A RESOLUTION AWARDED THE BID FOR PURCHASE
OF CRUSHED STONE TO VULCAN CONSTRUCTION MATERIALS, LP AND
AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER FOR
THE SAME

Passed: All present voting "aye."

**7. Consideration of a Resolution to Accept Deeds and Deeds of
Easement for Various City Projects (AF: 254-2010).**

Motion/Second: Joh/Munsey, to pass:

Resolution No. 2011-038, A RESOLUTION TO ACCEPT DEEDS, DEEDS OF
EASEMENT, AND OTHER MUNIMENT OF TITLE FROM THE VARIOUS PROPERTY
OWNERS AND OTHERS HAVING AN INTEREST IN PROPERTY AS HEREINAFTER
SET OUT, CONVEYING TO THE CITY OF KINGSPORT, A MUNICIPAL
CORPORATION OF THE STATE OF TENNESSEE, TITLE TO THE PROPERTY
DESCRIBED IN SUCH DEEDS, DEEDS OF EASEMENT, AND OTHER MUNIMENT
OF TITLE, LOCATED IN THE 7TH, 10TH, 11TH, 12TH, 13TH, 14TH AND 15TH CIVIL
DISTRICTS OF SULLIVAN COUNTY, TENNESSEE

Passed: All present voting "aye."

**8. Consideration of a Resolution to Authorize the Mayor to
Amend the Contract with Workspace Interiors to Include Phase 2 of Procuring**

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Furniture, Fixtures and Equipment (FF&E) for the Meadowview Executive Conference Center Project (AF: 245-2010). In response to a question from last night's work session regarding the bidding of this item, City Manager Campbell described the need for and the process used to engage a special procurement agent to oversee the procurement of items, on behalf of the City, as directed by the project's interior design firm. Workspace Interiors, Inc. has been selected as the special procurement agent for this project. Due to the complexity of this project and design standards established by Marriott, there will be some items that will need to be "sole sourced," such as carpet, where only one vendor may be able to meet the standards, while other items would have multiple vendors able to provide the requested items.

Alderman Parham noted that he worked under similar situations while he was at Eastman.

Mayor Phillips asked City Attorney Billingsley if this process was legal and he responded that, as it was explained to him, it was bid properly. He noted that a similar arrangement was used when the conference center was originally built. Vice-Mayor Mallicote inquired as to what degree this procurement agent process could be used in other situations, noting the crushed stone bid acted on earlier in the meeting. City Attorney Billingsley stated it would be fine provided that they follow the City's bid regulations.

City Manager Campbell further discussed the complexity of this project and the need for specialized assistance in this area of procurement.

Mayor Phillips noted his concern that Marriott is able to dictate items for this project and eliminate the City's ability to bid. City Manager Campbell responded that the interior design firm reviews the items specified by Marriott as part of their service. City Attorney Billingsley noted that this situation is similar to the recent Sewer Plant project. The firm engaged to design the work was required to buy the equipment used in the project following the City's bid requirements. He further noted that there was nothing wrong with requiring certain items to be specially designed for a particular situation and "sole sourced."

In response to a question from Alderman Marsh, City Manager Campbell noted that the original cost estimate came from a detailed listing of items needed for the project.

Motion/Second: Munsey/Parham, to pass:

Resolution No. 2011-039, A RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE CONTRACT WITH WORKSPACE INTERIORS, INC. TO INCLUDE PHASE II OF PROCURING FURNITURE, FIXTURES AND EQUIPMENT FOR THE MEADOWVIEW EXECUTIVE CONFERENCE CENTER

Passed: All present voting "aye."

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E. APPOINTMENTS.

1. Consideration of a Reappointment to the Historic Zoning Commission (AF: 204-2010).

Motion/Second: Joh/Parham, to approve the following:

REAPPOINTMENT OF MR. JAMES HENDERSON TO SERVE ANOTHER FIVE-YEAR TERM ON THE **HISTORIC ZONING COMMISSION**, EFFECTIVE MARCH 1, 2010, AND EXPIRING FEBRUARY 28, 2015

Passed: All present voting "aye."

VII. CONSENT AGENDA.

Consent Agenda items are considered under one motion.

Motion/Second: Mallicote/Shupe, to adopt:

1. Consideration of an Ordinance to Accept Donations from Eastman Chemical Company and Wellmont Health System to Sponsor a Smithsonian Exhibit at the Kingsport Public Library (AF: 195-2010).

Adopt:

Ordinance No. 5988, AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY ACCEPTING DONATIONS TO SPONSOR A SMITHSONIAN EXHIBIT AT THE KINGSFORT PUBLIC LIBRARY AND BY APPROPRIATING THE FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2011; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

2. Consideration of a Budget Ordinance Appropriating the Funds Received from the LENOWISCO Planning District Commission (AF: 224-2010).

Adopt:

Ordinance No. 5989, AN ORDINANCE TO AMEND THE METROPOLITAN PLANNING BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE LENOWISCO PLANNING DISTRICT COMMISSION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Donations (AF: 236-2010).

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Adopt:

Ordinance No. 5990, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY ACCEPTING DONATIONS RECEIVED FOR THE CAROUSEL PROJECT AND BY APPROPRIATING THE FUNDS; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

4. Consideration of a Budget Ordinance to Transfer GKAD Funds from the Riverview Community Project to the V.O. Dobbins Improvement Project (AF: 187-2010).

Adopt:

Ordinance No. 5991, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGETS BY TRANSFERRING FUNDS TO THE VO DOBBINS IMPROVEMENT PROJECT (GP0907); AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Joh, Mallicote, Marsh, Munsey, Parham, Shupe and Phillips voting "aye."

VIII. COMMUNICATIONS.

A. CITY MANAGER. City Manager Campbell reminded the BMA about the Straight to the Top conference on Monday and Tuesday next week. Governor Bredesen and Jim Rogers, Eastman CEO, will attend on Tuesday.

B. MAYOR AND BOARD MEMBERS. Alderman Joh encouraged everyone to attend the Fun Fest concerts on Thursday, Friday and Saturday nights this week.

Alderman Marsh commented on feedback he has received regarding the Schools' effort to find a location for their central office. He has received indications that the Schools are being encouraged to locate the facility on the old Kingsport Foundry site and noted his opposition to building a new facility and to building it on the foundry property. Mayor Phillips noted his concern about the short time frame provided for responding to the Schools' RFP.

Alderman Parham noted that he has met with and was impressed by the new School Superintendent for Sullivan County.

Mayor Phillips discussed rumors he has heard regarding the Stir Fry restaurant, noting that the building where the restaurant is located has been foreclosed on and is now owned by SunTrust Bank. Stir Fry does not own the building but has enforceable leases and lease options for the next 20 years and has no plans to relocate from their location. Their manager indicated that business is up 25%.


Mayor Phillips mentioned that Eastman is celebrating 90 years in Kingsport. He also

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addressed a letter to the editor regarding the lack of improvement to Harbor Chapel Road. He encouraged citizens to drive out and see the much needed improvements that have been made. He also noted that the 278th Armored Calvary Unit is coming home tonight from Iraq. In addition, Mayor Phillips noted that Fun Fest continues this week with concerts on Thursday, Friday and Saturday and encouraged everyone to attend.

C. VISITORS. Jeff Fleming, Assistant City Manager reminded the BMA that tomorrow night from 4:00 p.m. to 9:00 p.m. Move to Kingsport will have a Newcomer Tent at the Taste of Tri-Cities and encouraged the BMA to stop by and meet their new neighbors.

IX. ADJOURN. Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:35 p.m.



JAMES H. DEMMING
City Recorder



DENNIS R. PHILLIPS
Mayor